IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

C.O.C.P. No. 1378 of 2006.
Date of Decision: October 16,2006.

Rashmi Sharma

....**Petitioner**

through
Mr.Nitesh Bhardwaj, Advocate

Versus

Vikram Vashishta

...**Respondent**
through

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

A complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner by the respondent. Seeking quashing of the said complaint, the petitioner filed Crl. Misc. No.10289-M of 2006 under Section 482 Cr.P.C. before this Court. It appears that in the said petition, the petitioner agreed to make payment of the due amount. Accordingly, she brought a demand draft in the sum of Rs.1,18,200/- which was accepted by the respondent in the Court on 23.5.2006. He, however, agreed to withdraw the complaint only if the petitioner would come present and at least tender an apology for the alleged harassment caused to him

In deference to the observations made by this Court, the petitioner did appear and tendered an oral apology and also paid another

sum of Rs.5000/- towards costs to the respondent and in this view of the matter, this Court vide order dated 29.5.2006 accepted her petition. The complaint and the proceedings arising out of the complaint were accordingly quashed.

As it appears, certified copy of the aforementioned order dated 29.5.2006 was not produced before the learned Chief Judicial Magistrate, Rewari where the complaint was pending. Alleging that the respondent, despite quashing of the aforementioned complaint, has got issued non-bailable warrants against the petitioner, this contempt petition has been filed.

From the allegations and counter-allegations, it is apparent that the parties are proceeding against each other in a vindictive manner. The Court's time can not be permitted to be taxed or wasted like this. At the same time, when this Court has already quashed the proceedings, the petitioner is entitled to the consequential benefit and protection of the said order.

Consequently, and in view of the fact that the 'criminal complaint' has already been quashed by this Court, this petition is disposed of with the following directions:-

(i) operation of the non- bailable warrants, if any, issued against the petitioner is stayed forthwith;

ii) in view of the order dated 29.5.2006 passed by this Court in Crl. Misc. No.10289-M of 2006, learned Chief Judicial Magistrate, Rewari, is directed to formally close the proceedings in the `Criminal complaint' and pass a formal order to this effect;

iii) the aforesaid action shall be taken by learned Chief Judicial Magistrate, Rewari even if the petitioner does not appear in person and any body else and/or her counsel appears and produces a certified copy of this order before him.

Disposed of.

Dasti on usual charges.

October 16, 2006. **(SURYA KANT)**
dinesh **JUDGE**